

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION**

**MARGARET SMITH, KERMIT McAFEE AND
LEOLA WATT, WRONGFUL DEATH
BENEFICIARIES, INDIVIDUALLY, AND ON
BEHALF OF ALL OTHER WRONGFUL DEATH
BENEFICIARIES OF LORINE KING, DECEASED**

PLAINTIFFS

VERSUS

CIVIL ACTION NO. 3:03cv81-P-A

**MARINER HEALTH CARE D/B/A
GRENADA HEALTH AND REHABILITATION
CENTER; JOHN DOE NURSING HOMES;
DELORES GOOD, ADMINISTRATOR;
JOHN DOE, DIRECTORS OF NURSING; AND
JOHN DOE, NURSING HOME STAFF**

DEFENDANTS

ORDER

This cause is before the Court on the defendants' Motion for Summary Judgment [121-1]. The Court, having reviewed the motion, the defendants' brief,¹ the authorities cited and being otherwise fully advised in the premises, finds as follows, to-wit:

That the issues presented by the instant motion are identical to those addressed by Judge Michael P. Mills in his recent opinion in Austin v. Mariner Health Care, Inc., Civil Action No. 3:03CV82-P-B (N.D. Miss. 2005). Finding the analysis set forth therein to be both cogent and well-reasoned, the Court hereby adopts the reasoning and analysis of Austin as if fully incorporated herein. Because the plaintiffs lack standing to sue as wrongful death beneficiaries, the defendants' motion is well-taken and should be granted.

IT IS, THEREFORE, ORDERED AND ADJUDGED that the defendants' Motion for

¹ Plaintiffs failed to file any response to the present motion.

Summary Judgment [121-1] is well-taken and should be, and hereby is, GRANTED.

SO ORDERED, this the 9th day of September, 2005.

/s/ W. Allen Pepper, Jr.
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE